

**VANMAR
ASSOCIATES, INC.**

Engineers • Surveyors • Planners

310 South Main Street, P.O. Box 328, Mount Airy, Maryland 21771

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February 14, 2023

Mr. John Breeding
Director of Planning and Zoning
Town of Mount Airy
110 South Main Street, P.O. Box 50
Mount Airy, MD 21771

RE: Cold Storage Site

Dear Mr. Breeding

The Downtown Vision Plan focused on the Main Street and Center Street corridor where businesses front on these two streets. The Downtown Zone is intended to promote preservation and appreciation of the historic town center, to strengthen the local economy and to enhance and preserve an atmosphere of small-town charm while combining business and residential uses. This zone is intended to encourage development of a pedestrian environment consistent with the overall development concept for the Downtown Zone.

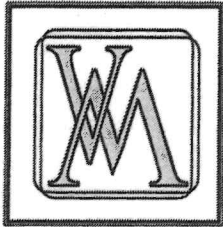
The Cold Storage property previously was a cold storage warehouse and was zoned commercial. The Downtown Zone (DTZ) was amended to include the Cold Storage property even though the property does not front on either Main Street or Center Street. With the property incorporated into the Downtown Zone, the Cold Storage property was rezoned to DTZ. The property is unique from properties adjacent to the downtown streets. The property does not have access to Main Street and abuts Hill Street, Prospect Road and Baker Avenue. In its current location and property configuration, it is isolated from Main Street and therefore cannot conform to § 112-37.1 Downtown Zone (DTZ). In addition, since the property is isolated from the downtown zone streets of Main Street and Center Street, there is no commercial opportunity for commercial businesses located on the first floor.

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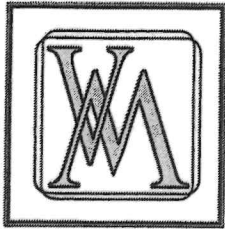
Per Town Code § 112-37.1.B.(5) the following residential uses are permitted in the Downtown Zone:

- (a) Apartments, on upper floors only (i.e., above primary ground level entry floor, which shall be a commercial use);
- (b) Condominiums, on upper floors only (i.e., above primary ground level entry floor, which shall be a commercial use);
- (c) Loft units, on upper floors only (i.e., above primary ground level entry floor, which shall be a commercial use); and
- (d) Single Family attached homes (with parking or garage area in rear of the property).

Wormald Companies is proposing to develop the Cold Storage Site as Senior Housing. A total of 48 senior single-family housing attached units are proposed to be constructed on the site. The senior housing development will be subject to a Homeowners Association to maintain the common elements of the development. Exhibit A shows the proposed senior housing development. In addition to the 48 senior housing units attached, the development will also provide a Rails to Trails on the site connecting the Rails to Trails to the west of Hill Street to the downtown and Rails to Trails to Route 27. The Open Space will be publicly owned by the Town of Mount Airy.

As is shown in Exhibit A the configuration and topography of the property prohibits single-family attached homes from being located on the adjacent streets with parking or garage areas in the rear of the property. Compliance with Town Code § 112-37.1.B.(5) requires the following variance for the following items.

- (1) **VARIANCE ITEM #1. Private Roads & Common Driveway Access:** The single-family housing attached unit driveways will not directly connect to public streets. The single-family housing attached units access to the public streets will be from either private roads or common driveways owned and maintained by a Homeowners Association.
- (2) **VARIANCE ITEM #2. Parking and Garage fronting Alleyway:** The DTZ Code states single-family attached homes are allowed with parking or garage area in rear of property. Because of the configuration and topography, the housing units will not be fronting on the public streets. Garages and driveways will be in front of the single-family housing attached units fronting on the Private Roads and Common Driveway Access.



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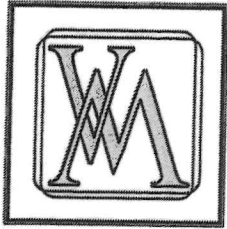
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- (3) **VARIANCE ITEM #3. Single-family housing attached zero Lot Lines:** The multistory single-family attached homes will have zero lot line ownership that are internal to the property/site. The zero lot lines will be defined by the outline of the unit.
- (4) **VARIANCE ITEM #4. Single-family housing unit configuration:** The single-family attached homes may be developed with no more than eight attached dwelling units in one grouping.
- (5) **VARIANCE ITEM #5. Common Areas:** Common areas for the senior housing development owned and maintained by the Homeowners Association will include the private roads, commons driveways, individual unit driveways and the limited common elements of patios, and 5-feet behind the patios.
- (6) **VARIANCE ITEM #6. Single-family housing attached driveway configuration:** Driveways for all senior housing attached units are defined as part of the Common Area owned and maintained by the Homeowners Association.
- (7) **VARIANCE ITEM #7. Single-family housing attached unit definition.** The proposed dwelling units with zero lot lines are defined as single-family dwelling units consistent with Town Code § 112-37.1.B.(5).

The provisions of § 112-37.1 Downtown Zone (DTZ) District inflict an unnecessary hardship upon the Owner and Developer of the property. Where there is unnecessary hardship or practical difficulty, the Board of Appeals may grant a variance in the application of the provisions of this chapter provided that the following findings are made where relevant:

- (1) *That there are unique physical conditions including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship or practical difficulty is due to such conditions.*

The Cold Storage property does not have access along Main Street. The size and topography of the property prohibits development of the senior housing units as envisioned in the DTZ district. The irregularity of the property does not allow for development of linear lots fronting along existing streets. Adhering to the intent of



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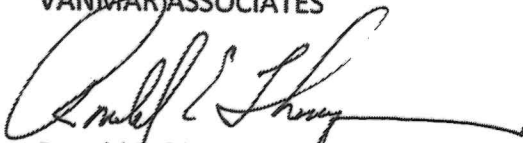
authorization of the requested variances, the property could not be developed within the DTZ district.

- (6) No grant of a variance shall be authorized unless the Board specifically finds that the condition for which the variance is sought is not so general or recurrent a nature to make reasonably practicable the formulation of a general regulation for such conditions. The granting of a variance is specific to the Cold Storage Site. All other properties within the DTZ district have direct frontage along Main Street and/or Center Street.*

We request the approval of the listed variance items to allow for the development of the Cold Storage property.

Please contact me with any questions or comments you may have.

Thank you,
VANMAR ASSOCIATES



Ronald E. Thompson, P.E.

Enclosures:

➤ Exhibits A